

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

ZANE GREY

v.

LMB TRADING GROUP, INC.,
THOMAS RUDEL GLOVER, and
PATRICK J. CAVANAGH

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CFTC Docket No. 99-R45

ORDER PURSUANT TO
DELEGATED AUTHORITY

On March 13, 2000, counsel for respondents LMB Trading Group, Inc. (“LMB”) and Patrick J. Cavanagh (“Cavanagh”) filed a joint notice of appeal from an Initial Decision awarding damages against both respondents. Counsel neither withdrew from representing Cavanagh nor filed a brief on Cavanagh’s behalf. Cavanagh himself submitted neither an appeal brief nor a statement indicating that he intended to pursue his appeal on a *pro se* basis.¹

Commission Rule 12.401(b) requires that an appealing party file an appeal brief within 30 days of filing the notice of appeal. 17 C.F.R. § 12.401(b). Rule 12.401(b) further provides that “[i]f the appeal brief is not filed within the time period prescribed in this subparagraph, the Commission may, upon its own motion or upon motion by a party, dismiss the appeal.” *Id.*

¹ LMB’s Custodian of Records, Brian S. Marro, filed an appeal brief and a supplement to the brief that advised, “LMB Trading Group, Inc. has filed the appeal . . . and will proceed without legal counsel due to financial constraints.” This order does not resolve LMB’s appeal.

The time period for Cavanagh to perfect his appeal by filing a brief has expired.
In accordance with Rule 12.401(b), Cavanagh's appeal is dismissed as unperfected.

IT IS SO ORDERED.²

Edson G. Case
Deputy General Counsel
Commodity Futures Trading Commission

Dated: June 29, 2001

² By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(4).